

REMARKS

With the foregoing amendment claims 1-26 are pending in the application. Claims 1, 10 and 14 are amended. And claims 21-26 are added. Claims 1, 10 and 14 are independent. No new matter has been added by the amendments. Applicant respectfully requests reconsideration of the Rejections/Objections, which are discussed below.

First Claim Rejections Under 35 U.S.C. 103 (Obviousness)

Claims 1-5, 7 and 9 are rejected under 35 U.S.C. 103 as being unpatentable over IBM Technical Disclosure Bulletin – “Dynamic Time-Dependent User Interface Modification” (hereafter “IBM”). Applicant respectfully traverses.

With respect to claim 1, claim 1 is patentable over IBM because IBM does not teach or suggest all of the features recited in claim 1. For example, at the least, IBM does not teach or suggest an electronic information retrieval device that is connected to a network and that includes a process that “retrieves a ... particular time based initialization default value ... [and] uses said particular time-based initialization default value to retrieve particular information from a remote server connected to the network,” as is recited in claim 1.

IBM discloses modifying a graphical user interface (GUI) based on the time-of-day. See IBM page 2 (“It may be desirable for a computer system to automatically adapt its graphical end-user interface based on the time of day”). For example, IBM teaches that the GUI will have a first appearance in the morning when adults are most likely to use the computer, a second appearance in the afternoon when elderly people are most likely to use the computer, and a third appearance in the evening when children are most likely to use the computer.

Importantly, no where does IBM disclose using a time based initialization default value to retrieve information from a remote server, as is required by claim 1. Further, there is no suggestion in the IBM reference to use a time based initialization default value to retrieve information from a remote server. Accordingly, claim 1 is patentable over IBM.

With respect to claims 2-5, 7 and 9, each of these claims depends from claim 1 and is therefore patentable over IBM for at least the same reasons given above.

Second Claim Rejections Under 35 U.S.C. 103 (Obviousness)

Claim 6 is rejected under 35 U.S.C. 103 as being unpatentable over IBM in view of Kim (U.S. 5,892,503). Applicant respectfully traverses.

Claim 6 depends from claim 1 and is therefore patentable over IBM for at least the same reasons given above.

Third Claim Rejections Under 35 U.S.C. 103 (Obviousness)

Claims 8, 10, 12 and 13 are rejected under 35 U.S.C. 103 as being unpatentable over IBM in view of Frederiksen (U.S. 6,195,596). Applicant respectfully traverses.

Claim 8 depends from claim 1 and is therefore patentable over the prior art for at least the same reasons given above with respect to claim 1.

With respect to claim 10, claim 10 is patentable over IBM in view of Frederiksen, because neither IBM nor Frederiksen, considered alone or in combination, teach or suggest all of the features recited in claim 10. For example, at the least, neither IBM nor Frederiksen, considered alone or in combination, teach or suggest a device having a memory storing “an initialization use pattern.”

The Office agrees that IBM does not teach or suggest the claimed “initialization use pattern.” However, the Office submits that Frederiksen makes up for the deficient teachings of IBM. Applicant respectfully disagrees.

Frederiksen does not teach or suggest an “initialization use pattern,” rather, Frederiksen merely discloses a “use pattern.” It is clear from the specification of the present application that an “initialization use pattern” is limited to information that shows those actions taken by the user of the device immediately after initialization. For example, the specification states, “if a web browser according to the invention is set up to default URL A if activated between 8:00 A.M. and 10:00 A.M., and the initialization use pattern 140 shows that the user has repeatedly gone immediately to URL B at initialization, after a certain number of consistent repetitions the appropriate time-based initialization default value may be changed to URL B.” Page 10, para 0023 (emphasis added). Further, if the term “initialization use pattern” were construed to read on any and all use patterns then the word

“initialization” would be completely superfluous. Accordingly, the term “initialization use pattern” must be construed more narrowly than the term “use pattern” and should be construed as “information that shows the actions taken by the user of the device immediately after initialization.”

Frederiksen discloses a “use pattern” but does not disclose an “initialization use pattern.” More specifically, as the Examiner rightly pointed out, Frederiksen discloses that the phone can record the frequency of the use of individual functions and appoint the most frequently used one in each group as the default function. That is, Frederiksen discloses recording a “use pattern.” This “use pattern” is not a “initialization use pattern” because the phone will record the use of the function at any time, not just immediately after initialization. Thus, Frederiksen does not disclose an “initialization use pattern.”

Because neither Frederiksen nor IBM, considered alone or in combination, teach or suggest all of the features of claim 10, Applicant respectfully requests that the rejection of claim 10 be withdrawn.

As an additional matter, it is improper for the Office to rely on the teachings of Frederiksen because Frederiksen is not “analogous prior art.” See M.P.E.P. 2141.01(a). In order to rely on Frederiksen, Frederiksen must be either in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor is concerned. Id. In this case, Frederiksen is neither in the field of applicant’s endeavor nor reasonably pertinent to the particular problem with which the applicant is concerned.

The field of applicant’s endeavor is “using time based initialization default values.” See Application, page 2. Frederiksen has nothing to do with time-based initialization default values. Frederiksen discloses a mobile phone having a plurality of states, wherein each state is associated with a group of available user functions. Frederiksen further discloses that one of the functions in a given group of functions is selected as the “default.” However, this “default” taught by Frederiksen is not a “time based initialization default value” because it is not selected based on, for example, what time of day it is or what day of the week it is. Rather, the default taught by Frederiksen is nothing more than an ordinary, run-of-the-mill default value. Accordingly, Frederiksen is not in the field of applicant’s endeavor.

Further, Frederiksen is not reasonably pertinent to the particular problem with which the applicant is concerned. The applicant is concerned with the problem that whenever a conventional device or application is initialized, the device/application uses the same default value regardless of the time-of-day (or day of week, etc.). This is a problem because, for example, many users would like to have their device/application initially configured one way in the morning and initially configured a different way in the evening. Frederiksen is not pertinent to this problem because all that Frederiksen is concerned with is the fact that conventional mobile phones do not have a user-friendly menu dialog. See Frederiksen, col. 1, lines 18-22 (“When the user enters information into the display and depresses one of the soft keys, all the entered information will disappear from the display and a menu image will appear. This is not a user-friendly way to handle the menu dialog.”). Thus, Frederiksen is not reasonably pertinent to the particular problem with which the applicant is concerned.

In short, it is improper for the Office to rely on the teachings of Frederiksen because Frederiksen is not “analogous prior art.” For this additional, independent reason, Applicant respectfully requests that the rejection of claim 10 be withdrawn.

With respect to claims 12 and 13, each of these claims depends from claim 10 and is therefore patentable over IBM in view of Frederiksen for at least the same reasons given above.

Fourth Claim Rejections Under 35 U.S.C. 103 (Obviousness)

Claims 11 and 14-20 are rejected under 35 U.S.C. 103 as being unpatentable over IBM in view of Frederiksen and further in view of Kim. Applicant respectfully traverses.

Claim 11 depends from claim 10 and is therefore patentable over the prior art for at least the same reasons given above with respect to claim 10.

With respect to claim 14, claim 14 is patentable over IBM in view of Frederiksen and Kim, because neither IBM nor Frederiksen nor Kim, considered alone or in combination, teach or suggest all of the features recited in claim 14. For example, at the least, neither IBM nor Frederiksen nor Kim, considered alone or in combination, teach or suggest “retrieving a corresponding time-based initialization default value ... and using said corresponding time-based initialization default value to retrieve information stored remotely

from the information retrieval device for output to an output device,” as is recited in claim 14.

IBM discloses modifying a graphical user interface (GUI) based on the time-of-day. See IBM page 2 (“It may be desirable for a computer system to automatically adapt its graphical end-user interface based on the time of day”). For example, IBM teaches that the GUI will have a first appearance in the morning when adults are most likely to use the computer, a second appearance in the afternoon when elderly people are most likely to use the computer, and a third appearance in the evening when children are most likely to use the computer.

Importantly, no where does IBM disclose using a time based initialization default value to retrieve information that is stored remotely from the device, as is required by claim 14. Further, there is no suggestion in the IBM reference to use a time based initialization default value to retrieve information stored remotely from the device. Further, neither Frederiksen nor Kim make up for the deficient teachings of IBM. Accordingly, claim 14 is patentable over IBM.

With respect to claims 15-20, each of these claims depends from claim 14 and is therefore patentable over the applied art for at least the same reasons given above.

Further, with respect to claim 15, the Office does not even allege that any of the art of record teaches or suggests that the time-based initialization default value is a URL. For this additional reason, the rejection of claim 15 should be withdrawn.

Similarly, with respect to claims 16 and 17, the Office does not even allege that any of the art of record teaches or suggests that the time-based initialization default value can be either a television channel or radio channel. For this additional reason, the rejection of claims 16 and 17 should be withdrawn.


New Claims

New claims 21-26 are sought to be added. Claims 21-26 depend from claim 1 and are patentable for at the least the same reasons give above with respect to claim 1.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

| RESPECTFULLY SUBMITTED, | | | | | |
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